

Lincoln D. Bandlow, Esq. (CA #170449)
lincoln@bandlowlaw.com
Law Offices of Lincoln Bandlow, PC
1801 Century Park East, Suite 2400
Los Angeles, CA 90067
Tel.: (310) 556-9680
Fax: (310) 861-5550

*Attorneys for Plaintiff
Strike 3 Holdings, LLC*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

STRIKE 3 HOLDINGS, LLC,
Plaintiff,

vs.

JOHN DOE subscriber assigned IP address
73.162.81.234,
Defendant.

Case No.: 5:21-cv-00760-VKD

Honorable Virginia K. DeMarchi

**DECLARATION OF LINCOLN D.
BANDLOW IN SUPPORT OF MOTION
FOR DEFAULT JUDGMENT AGAINST
DEFENDANT**

DECLARATION OF LINCOLN D. BANDLOW

I, Lincoln Bandlow, declare as follows:

1. I am an attorney duly licensed and authorized to practice in the State of California and I am counsel for Plaintiff Strike 3 Holdings, LLC (“Strike 3” or “Plaintiff”) in the above-titled action.

2. I have personal knowledge of the facts stated in this declaration and, if called upon to do so, I could and would competently testify thereto. I make this Declaration in Support of Plaintiff’s Motion for Default Judgment Against Defendant.

3. On January 29, 2021, Plaintiff filed the Complaint in this action against Defendant. To protect Defendant’s potential privacy interest, the Complaint was filed with Defendant’s name and any identifying information redacted. On February 3, 2021, Plaintiff filed an Ex Parte Administrative Motion to File Under Seal Plaintiff’s Unredacted Complaint, Proposed Summons, and Return of Service (“Under Seal Application”).

4. On February 4, 2021, the Court entered an order (the “Order”) provisionally granting the Under Seal Application. In so doing, the Court ordered that “[i]f defendant seeks to proceed anonymously in this case, defendant must file a motion seeking leave to do so. If no such motion is filed within two weeks after defendant’s response to the complaint is due, the complaint will be unsealed and the docket will be updated to reflect defendant’s name.”

5. On February 5, 2021, Plaintiff filed the Unredacted Complaint and Unredacted Summons under seal.

6. On February 11, 2021, the Court issued the Sealed Summons to Plaintiff.

7. On February 24, 2021, Defendant was served with the Complaint, Summons, Order and all other pleadings in this matter.

8. On May 5, 2021, I sent a letter to Defendant at the address identified by the ISP and where Defendant was served indicating that if Defendant did not respond to the Complaint by May 11, 2021, Plaintiff would file for default. A true and correct copy of my letter is attached hereto as Exhibit 1. I received no response to that letter.

1 9. Defendant has failed to appear, plead or otherwise defend in this action.

2 Moreover, Defendant has failed to make a motion seeking leave to proceed anonymously in this
3 action as required by the Order.

4 10. Accordingly, on May 11, 2021, default was entered against Defendant.

5 11. On information and belief, Defendant is not a minor, incompetent person, or in
6 active military service.

7 12. Plaintiff has incurred costs in this case in the amount of \$658.97 which includes
8 a statutory filing fee of \$400.00 and process service fee of \$258.97. This process service fee
9 includes the cost of printing and serving all publicly-filed documents in the instant case on
10 Defendant.

11 13. In seeking a default judgment, Plaintiff agrees to waive its reasonable attorneys'
12 fees for prosecuting this case. Plaintiff reserves the right to pursue such fees if Defendant
13 appears in this action.

14 I hereby declare under penalty of perjury under the laws of the United States of America
15 that the foregoing is true and correct and that this Declaration was executed by me in Los
16 Angeles, California, on June 10, 2021.

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18
19 

20 Lincoln D. Bandlow

Exhibit 1



lincoln@bandlowlaw.com

May 5, 2021

VIA CERTIFIED MAIL:

Emmanuel Andaya
1751 Marco Polo Way Apt 8
Burlingame, CA

**RE: Strike 3 Holdings, LLC v. John Doe Subscriber Assigned IP Address 73.162.81.234;
United States District Court for the Northern District of California Case No. 5:21-
cv-00760-VKD; Internal Reference No. BD45-55**

Dear Mr. Andaya,

As you know, I represent Strike 3 Holdings, LLC ("Plaintiff" or "Strike 3") in the above-captioned litigation. Strike 3 first filed this case on January 29, 2021 and subsequently filed its First Amended Complaint on February 3, 2021. The process server advised that on February 24, 2021 you were personally served with the First Amended Complaint and Summons. Pursuant to Fed. R. Civ. P. 12 (a), your Answer was due on March 17, 2021. However, as of the date of this letter you have not filed any response to the complaint. Please be advised that if you do not file an Answer on or before May 11, 2021, Plaintiff will file a Motion for Clerk's Default and a Motion for Default Judgment.

If you have any questions or concerns, I can be reached at the email address set forth at the top of this letter. Thank you for your time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lincoln D. Bandlow".

Lincoln D. Bandlow

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A Professional Corporation

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